

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
DEC 28 2006
For C'ville
JOHN F. CORCORAN, CLERK
BY: J. K. K. DEPUTY CLERK

DEAN M. INMAN,

Plaintiff,

v.

KLÖCKNER-PENTAPLAST OF AMERICA, INC.,
and
THE KLÖCKNER PENTAPLAST GROUP,
and
KLÖCKNER PENTAPLAST PARTICIPATIONS
S.Ä.R.L.,

Defendants

CIVIL No. 3:06cv00011

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on a motion to dismiss filed by Defendants Klöckner Pentaplast of America, Inc. and Klöckner Pentaplast Participations S.Ä.R.L. on June 5, 2006 (docket entry no. 18). For the reasons stated in the accompanying Memorandum Opinion, the Court hereby ORDERS the following:

(1) Plaintiff is given FIFTEEN days within which to amend Count II (ERISA) of his second amended complaint in a manner consistent with the direction in the accompanying Memorandum Opinion. If Plaintiff is unable to amend or chooses not to amend within the time allotted, the Court will grant Defendant's motion to dismiss Count II.

(2) Counts IV (Breach of Contract), V (Civil Conspiracy), VI (Conversion), and VII (Unjust Enrichment) are hereby DISMISSED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED: Namir E. Mon
United States District Judge
December 28, 2006
Date